IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO. 13334 of 2004

Between:

1 K.San Ramanna, s/o K.Lakshmanna,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
2 K.Ayamma, w/o Kumbar Eranna,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
3 K.Sivaramappa, s/o K.Lakshmanna,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
4 Bande Nawaz, s/o K.Sheik Sab,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
5 Kashalabi, w/o Sadakali Gud Sab,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
6 N.Peer Sab, s/o N.Abba Ali,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
7 B.Srinivasulu, s/o Chinna Ayyappa,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
8 B.Veera Reddy, s/o Chinna Ayyappa,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
9 B.Durgamma, w/o D.Veerabhadrappa,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
10 B.Suryanarayana, s/o Pedda Ayyappa,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
11 B.Basavaraj, s/o Pedda Ayyappa,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
12 B.Veerabhadrappa, s/o Pedda Ayyappa,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
13 B.Sankarappa, s/o Pedda Ayyappa,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
14 B.Seethapathy, s/o Chinna Ayyappa,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
15 B.Rami Reddy, s/o Chinna Ayyappa,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.
16 B.Soma Gopal, s/o Chinna Ayyappa,
r/o Santhekudlur Village, Adoni Mandal, Kurnool District.

..... PETITIONERS

AND

1 The District Collector, Kurnool, Kurnool District.
2 The Superintending Engineer, Agricultural Department, Kurnool, Kurnool District.
3 The Executive Engineer, T.B.P.Division, Adoni, Kurnool District.
4 The Deputy Executive Engineer, T.B.P.Sub-Division No.1, Adoni, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not considering the representations of the petitioners including the last representation dt. -3-2004 as illegal, improper, unjust and unconstitutional and further declare that the petitioners are entitled for ayacut pattas.

Counsel for the Petitioner: MR.N.BHARAT BABU.

Counsel for the Respondents: Govt. Pleader for REVENUE.

The Court made the following:

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Oral Order:

Heard the learned counsel for the petitioners and also learned Government Pleader for Revenue.

Rule Nisi.

Petitioners, 16 in number, are all land owners and their lands are situated adjacent to irrigation canal known as "***Thungabhadra Project Low Level Canal***" and due to the said canal petitioners' lands are severely effected with seepage of water and they are unable to cultivate their lands, and unless their lands are included in the ayacut area, they cannot cultivate their lands. In view of the same, they made representations to the 1st respondent in the month of March, 2004 for inclusion of their lands in the Ayacut area, so that they can also cultivate their lands. But, so far no action is taken on the said representations. Therefore, petitioners moved this Court by way of present writ petition.

When the ryots expressed their difficulty to the Collector in cultivating the lands due to seepage of water, he is under obligation to take action or if it is possible, the said land can be included in the ayacut area as per law.

In view of the same, 1st respondent is hereby directed to consider the representations of the petitioners said to have been made in the month of March, 2004 and pass appropriate orders within six weeks from the date of receipt of a copy of this order and intimate the same to the petitioners.

The writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

29-07-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Kurnool, Kurnool District.
2 The Superintending Engineer, Agricultural Department, Kurnool, Kurnool District.
3 The Executive Engineer, T.B.P.Division, Adoni, Kurnool District.
4 The Deputy Executive Engineer, T.B.P.Sub-Division No.1, Adoni, Kurnool District.

5. Two CCs to the Govt. Pleader for Revenue, High Court

Buildings, Hyderabad (OUT).

6.Two CD copies.